

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALLYSON CALLOWAY,

Civil Action

Plaintiff,

No. 2:22-cv-197-NBF

v.

BOROUGH OF PITCAIRN;
MARGARET STEVICK;
SCOTT FARALLY;
BRENDAN LINEBARGER;
WILLIAM GOOD; and
NICK TURNER

Defendants.

MOTION TO DISMISS

AND NOW COMES William Good in his individual capacity, by and through his counsel Shelley Rohrer, and Dennis Biondo Jr., Assistant Allegheny County Solicitors and respectfully requests that Plaintiff's Complaint be dismissed as to Defendant William Good, and states in support thereof the following:

1. Plaintiff has filed an Amended Complaint alleging civil rights claims against numerous defendants including this responding defendant, William Good, in his individual capacity (hereinafter Defendant Good) (ECF 14).
2. The allegation contained in Plaintiff's Complaint against Defendant Good arises from his filing the following charges against Plaintiff on January 19, 2021: hindering prosecution (18 Pa.C.S. 5103 (a)(3)) and tampering with evidence (18 Pa.C.S. 4910 (1)). (ECF 14, ¶14d).

3. Plaintiff alleges one Count False Arrest and Malicious Prosecution against Defendant Good (ECF 14, ¶¶ 22-25).
4. Plaintiff fails to state a claim against Defendant Good.
5. Plaintiff has not properly pled a claim for False Arrest and Malicious Prosecution against Defendant Good.
6. Plaintiff cannot sustain a claim for False Arrest and Malicious Prosecution against Defendant Good.
7. Defendant Good is entitled to Qualified Immunity.

WHEREFORE, Defendant Good respectfully requests that Plaintiff's Complaint be dismissed as to him pursuant to F.R.C.P 12(b).

Respectfully submitted,

/s/ Shelley Rohrer
Shelley Rohrer
Assistant County Solicitor
Pa I.D. #317166

/s/ Dennis Biondo Jr.
Dennis Biondo Jr.
Assistant County Solicitor
Pa I.D. #307908

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO DISMISS and PROPOSED ORDER were served by electronic filing upon the following:

Mart Harris, Esq.
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(Counsel for Plaintiff)

Jordan P. Shuber, Esquire
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(Counsel for Defendants Borough of Pitcairn,
Margaret Stevick, Scott Farally, Brendan Linebarger, and Nick Turner)

/s/ Shelley Rohrer
Shelley Rohrer
Assistant County Solicitor

Dated: March 11, 2022

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ALLYSON CALLOWAY,

Civil Action

Plaintiffs,

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BOROUGH OF PITCAIRN, MARGARET
STEVICK, SCOTT FARALLY, BRENDAN
LINEBARGER, WILLIAM GOOD, and
NICK TURNER

Defendants.

CERTIFICATE OF CONFERRAL

As per this Court's Order on Rule12(b) motions, undersigned Counsel hereby certifies that the parties have conferred and made a good faith effort to determine whether the identified pleading deficiencies properly may be cured by amendment as required by this Courts Practices and Procedures.

Respectfully submitted,

/s/ Shelley Rohrer

Shelley Rohrer

Assistant County Solicitor

Pa I.D. #317166

/s/ Dennis Biondo Jr.

Dennis Biondo Jr.

Assistant County Solicitor

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Counsel for Defendant William Good